APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,891	02/26/2002	Jay Baker	2705-172	7487

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EXAMINER
SALAD, ABDULLAHI ELMI

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/083,891	BAKER ET AL.
	Examiner	Art Unit	
	Salad E. Abdullahi	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Amendment

1.   The amendment filed 9/29/2005 has been received and made of record.

2.   Claims 1-17 are pending. The rejection cited stated below.

3.   Applicant's arguments filed 9/22/2005 have been fully considered but they are not persuasive for the following reason.

4.   Applicant alleges there is no indication or enablement in Herbert of providing a generic messaging structure that includes a transport protocol for routing of a user protocol over the IP transport.

Examiner respectfully disagrees, because Herbert discloses a programmable telecommunication switch that provides a user with the ability to define a desired signaling protocol, either "standard" or custom in nature, for performing any desired switching functions. Furthermore, Herbert's system permits the customer to assign, on a channel-by-channel basis, a desired protocol from among multiple protocols resident within a single switch (see col. 6, lines 35-64 and col. 9, lines 34-58).

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-17 rejected under 35 U.S.C. 102(e) as being anticipated by Herbert et

al., U.S. Patent No. 6,088,749[hereinafter Herbert].

As per claims 1, and 14, Herbert discloses a method of tunneling any existing data,

control-, or routing-related protocol through a generic Internet protocol (P) transport, the

method comprising:

first providing a generic messaging structure that includes at least a transport

protocol (Layer 4 protocol), a message buffer (see fig. 10), a source-address field and

one or more data fields for transparent routing of a user protocol over the P transport

(see figs. 5 and 10 and col. 2, lines 60-67, col. 12, line 16 to col. 13, line 14); and

second providing an application program interface(API) to the generic messaging

structure, the interface including a mechanism for a user to choose a desired transport

and associated protocol for transparently routing the user protocol over the transport in

accordance with the chosen transport protocol within the one or more data fields (see

col. 9, 29-53 and col. 12, lines 21-24).

As per claim 2, and 15, Herbert discloses the method of claim 1 which further

comprises:

creating a base class library including plural defined source and header files, and

third providing a mechanism for deriving a transaction-based protocol-specific

class that is compatible with the base class library (see col. 20, line 60 to col. 21, line

17)..

As per claim 3-4, and 7-8, Herbert discloses the method of claim 2, wherein the user

protocol includes one or more headers followed by an integer number of tag-length-

value (TLV) trios compliant with the user protocol (see fig. 5)

As per claims 5 and 16, Herbert discloses a method of tunneling any existing data,

control-, or routing-related protocol through a generic Internet protocol (P) transport, the

method comprising:

creating a base class library including plural defined source and header files compatible

with signaling system 7, telephony-centered, and any transaction-based protocol, the

base class library further including base class constructors of virtual, copy, and

assignment and generic access methods(see col. 20, line 60 to col. 21, line 17),

 and

first providing a mechanism for deriving a transaction-based protocol-specific

class that is compatible with the base class library (see col. 20, line 60 to col. 21, line

17).

As per claim 6, and 17, Herbert discloses the method of claim 5, further comprising

second providing a generic messaging structure that includes at least a transport

protocol (Layer 4 protocol), a message buffer (see fig. 10), a source-address field and

one or more data fields for transparent routing of a user protocol over the P transport

(see figs. 5 and 10 and col. 2, lines 60-67, col. 12, line 16 to col. 13, line 14); and

third providing an application program interface(API) to the generic messaging

structure, the interface including a mechanism for a user to choose a desired transport

and associated protocol for transparently routing the user protocol over the transport in

accordance with the chosen transport protocol within the one or more data fields (see

col. 9, 29-53 and col. 12, lines 21-24).

As per claim 9, Herbert discloses an application programming interface for transparently

routing data between sockets in an Internet protocol (1P) transport, the interface

comprising:

a message buffer data structure defining a protocol-generic parent class, message,

source-address and data fields for a chosen transport protocol(see figs. 5 and 10 and

col. 2, lines 60-67, col. 12, line 16 to col. 13, line 14);

a message creation mechanism for creating a message and adding it to the

message buffer data structure (see figs. 5 and 10 and col. 2, lines 60-67, col. 12, line 16

to col. 13, line 14);and

a protocol creation mechanism for deriving a protocol-specific child class that

renders new protocol-specific sub-fields of said protocol field of said message buffer

data structure (see col. 9, 29-53 and col. 12, lines 21-24).

As per claim 10-11, Herbert discloses the interface of claim 9 in which the data to be

routed represent a defined protocol, wherein said message includes one or more

headers followed by an integer number of tag-length-value (TLV) trios compliant with

the defined protocol (see fig. 5).

As per claim 12 and 13, Herbert discloses the interface of claim 11, wherein said message creation and protocol creation mechanisms include computer-readable and computer-executable software instructions, which includes software source code and headers in C/C++ programming language form (see col. 21, lines 42-54).

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E. Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the

examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can

be reached on 571-272-4001. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

10.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

ABDULLAHI SALAD
PRIMARY EXAMINER

Abdullahi Salad
12/11/2005